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Attorneys for Plaintiffs The Wizard Trades, LLC and Michael Hubbs

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

THE WIZARD TRADES, LLC, a Utah
Limited Liability Company, and MICHAEL
HUBBS, an individual,

Plaintiff,
vs.

CHARLTON LACHASE, an individual,
ANDRA RUSH, an individual, STEVEN
DUHON, an individual, and BRIAN
HERTNEKY, an individual,

Defendants.

**MOTION FOR RECONSIDERATION
ON CHARLTON LACHASE'S
MOTION TO APPOINT COUNSEL**

Case No. 2:23-cv-00207-DAO

District Judge David Barlow

Magistrate Judge Daphne A. Oberg

Plaintiffs, The Wizard Trades, LLC, and Michael Hubbs, hereby request that the Court reconsider its grant of Charlton Lachase's Motion to Appoint Counsel.

The Court indicated that it granted Charlton Lachase's motion to proceed *in forma pauperis* based on Mr. Lachase's indication that he received SSI. It also granted Mr. Lachase's request to appoint counsel.

In requesting that the *in forma pauperis* order be withdrawn, Plaintiff provided evidence that Mr. Lachase owns two businesses and had purchased 3 vehicles from Japan at approximately the same time as he was seeking to proceed *in forma pauperis*. Copies of Mr.

Lachase's posts are attached as Exhibit A and Exhibit B.

It has recently come to Plaintiff's attention that Mr. Lachase, after purchasing the three vehicles from Japan, offered to pay \$40,000 cash for a sports car. *See* Exhibit C. This is on top of the truck he already owns according to his disclosures. There are few middle-class families which have \$40,000 in cash to purchase an automobile, or who can purchase four automobiles in a month.

Moreover, Mr. Lachase claims that he earns \$100 to \$14,000 per day in the stock market. Exhibit D. Under SSI rules, a person may not have more than \$3,000 in countable assets or they can no longer receive benefits. Exhibit E.

While Mr. Lachase was not required to provide his financial information to obtain *in forma pauperis*, the information which he provided nonetheless seems completely at odds with his conduct. Mr. Lachase's posts demonstrate that he is not eligible for SSI, as he clearly has far more in assets than the \$3,000 limit. Furthermore, it suggests that Mr. Lachase is engaging in SSI fraud by receiving benefits he is not entitled to.

The declaration in support of the motion requires Mr. Lachase to state under penalty of perjury that he is unable to pay the costs of the proceedings. If Mr. Lachase can purchase 3 cars from Japan and then offer \$40,000 cash to purchase another car, he certainly has sufficient resources to hire his own attorney to defend him in the litigation.

This is not a case where Mr. Lachase was inadvertently brought into the legal system. Mr. Lachase repeatedly defamed the Plaintiffs and repeatedly engaged in copyright infringement in his self-admitted effort to "destroy" Plaintiffs. Mr. Lachase took his action after alleging the he had lost tens of thousands of dollars in the stock market trying to day-trade. However, Mr.

Lachase is not allowed to receive SSI if he has tens of thousands of dollars. Plaintiffs submit that Mr. Lachase's own posts demonstrate that he has sufficient assets to hire counsel on his own and should not be provided with *pro bono* counsel.

Respectfully submitted this 23rd day of May 2023.

BATEMAN IP

/s/Randall B. Bateman
Randall B. Bateman

*Attorneys for Plaintiffs The Wizard Trades, LLC
and Michael Hubbs*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **MOTION FOR RECONSIDERATION ON
CHARLTON LACHASE'S MOTION TO PROCEED IN FORMA PAUPERIS**

was served on Defendants as follows CM/ECF on May 23, 2023:

Steven Duhon
3801 W SPRING CREEK PKWY APT 2122
PLANO, TX 75023

Brian Hertneky (Via CM/ECF)

Charlton Lachase (Via CM/ECF)

Andra Rush (Via CM/ECF)

/s/Randall B. Bateman